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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,308	12/18/2001	Masato Yamamichi	2001_1845A	8418

513 7590 03/01/2006

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EXAMINER

LEMMA, SAMSON B

ART UNIT	PAPER NUMBER
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2132

DATE MAILED: 03/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	Application No. 10/020,308	Applicant(s) YAMAMICHI ET AL.	
	Examiner Samson B. Lemma	Art Unit 2132	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 10 February 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1-19.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO 1449) Paper No(s). \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_.

  
**GILBERTO BARRÓN JR.**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2100**

Continuation of 11. does NOT place the application in condition for allowance because: The examiner asserts that the scope of the independent claims have not changed and as indicated in the previous final office action, each and every limitation of the independent claims has been disclosed by the reference on the record. The core of applicant argument is referring to the independent claims and applicant argued that it includes limitations that are not shown or suggested by the references on the record, namely Dai. Applicant core argument is related to the previous argument that the applicant made. Applicant previously wrote the following in support of his argument, "If the Examiner considers that  $W = h_1(x) \text{ xor } M$ " corresponds to the encrypting means of claims 1 and 18 or the encrypting operation of claims 15-17, then Dai cannot be interpreted as an disclosing any operation or circuitry remotely resembling a first operation means for performing an invertible operation on the plaintext (M) and the first additional information to generate connected information, as recited in claims 1 and 18, or performing an invertible operation on the plaintext (M) and the first additional information to generate connected information, as recited in claims 15-17"

Examiners disagrees with the above argument,

For the sake of clarity every independent claim has to be seen independently, the argument made by the applicant does not specifically address how the reference used failed to disclose the limitation of the independent claims.

Examiner however would point out that Dai the reference on the record discloses the following, the transmission apparatus [Encoder, shown on figure 3 and figure 1] encrypting plaintext to generate ciphertext, performing a one-way operation on the plaintext to generate a first value, transmitting the ciphertext and the first value to the reception apparatus, [figure 3, ref. "104", ref. Num "106" and ref. Num "108"] (The first value is met to be  $h_2(x, M)$  which is generated by performing a one-way hash function on the plain text M, and the ciphertext is met to be C shown on figure 3, ref. Num "106" which is the result of the plaintext after it is encrypted.)

Therefore the cipher text C has two components a value V and a value W as explained on column 2, lines 31-55

The ciphertext C disclosed by the reference meets the limitation of an invertible operation on the plaintext and the first additional information to generate connected information and is not patentably distinguishable from the applicant encrypting means of claims 1 and 18 or the encrypting operation of claims 15-17. [See the office action below]

Since the scope of the limitation of the claims have not changed by the amendment, Examiner asserts that Dai discloses the claimed limitations and the rejection is maintained. (see how each limitation of the independent claims is rejected in the previous final office action) If however the independent claims are amended and clearly written to overcome the rejection, it would be considered.

Therefore all the elements of the limitations is explicitly or implicitly suggested and disclosed by the reference/s on the record and the rejection remains valid, unless the claims are further amended and overcome the rejection with out introducing a new matter.